

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO. 7:09-CR-42-BO-2


SHAUNA REVELS LOCKLEAR, )  
)  
Petitioner, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )  
\_\_\_\_\_ )

**ORDER**

Notice is hereby given to the petitioner, Shauna Locklear, that the Court intends to construe her *pro se* motion to correct sentence filed on August 12, 2013 [DE 68] as a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255. In her letter, petitioner seeks relief under 18 U.S.C. § 3582 and *Alleyne v. United States*, 133 S. Ct. 2151 (2013). Petitioner has not properly identified any amendments to the guidelines manual which would reduce her advisory guideline range as allowed under § 3582(c)(2) and is therefore ineligible for a reduction in her sentence pursuant to § 3582(c)(2). Petitioner's challenge to her conviction under *Alleyne* is not properly brought in a § 3582 motion, but is fairly characterized as grounds for a § 2255 petition to vacate, set aside, or correct her sentence. Accordingly, the Court GRANTS petitioner 30 (thirty) days from the filing of this notice to confirm or deny her intent to file a motion pursuant to 28 U.S.C. § 2255. If a response is not filed within this time, this Court will presume that petitioner is not seeking such relief and this action will be dismissed.

The court further warns the petitioner of the effects of filing a motion pursuant to section 2255, and advises her as to the requirements of section 2255. *See Castro v. United States*, 540 U.S. 375, 377, 383 (2003); *see also United States v. Emmanuel*, 288 F.3d 644, 649 (4th Cir. 2002).

SO ORDERED, this 3 day of <sup>May</sup>~~April~~, 2014.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE